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difficulty has been met by striking out from the constitution of the union those passages upon which the police and the courts based their decisions. It appears, also, that the courts have been growing more liberal on this point within a decade.

The great fact in the history of the carpenters' union (as in trade unions elsewhere) has been the growth of prudence and a healthy *esprit de corps*. The men have learned the folly of hasty strikes, and undue confidence in their power as an organization. Another instance is thus offered in exemplification of the fact which is the chief justification of all government and nearly all organization among men; leadership among great bodies of men tends to rest with those who are above the average in intelligence and character, while the mass, as a rule, learn to respect increasingly the advantage to themselves of wise leadership, and to accept more and more the policy of restraint and caution which the leaders are generally first to adopt.

A. P. WINSTON.

Grundriss des Gewerberechts und der Arbeiterversicherung. (Grundriss des Oesterreichischen Rechts, Dritter Band, Fünfte Abtheilung.) By DR. VICTOR MATAJA. Leipzig: Duncker und Humblot. 8vo. pp. 137.

INDUSTRIAL legislation in Austria during the present century divides itself into periods at two cardinal points. In 1859 a compact and uniform code took the place of a mass of enactments which were fragmentary and full of local variations. At the same time the principle of free contract came to be distinctly recognized. For about a quarter of a century the *laissez faire* principle was predominant, and the government maintained an attitude of indifference to the conflict between workmen and employers; but about 1885 the current of legislation set strongly toward protection to the workmen. As a resultant of these two combined tendencies there is now in force a body of laws in general like those labor laws with which we are familiar in the United States, in which the general principle of free contract is tempered by the exercise of the police power. The legislative methods of the guild period are still perpetuated by another very different class of laws imposing upon the trade associations, in which membership by workmen and employers is compulsory, a variety of functions in

the regulation of the business of the trades which we should think of as exclusively governmental functions.

The compromise actually realized between free contract and the protection of workmen appears to correspond rather more nearly to the doctrine of our courts on this subject than to the principle which our legislatures have been trying to work out in such matters as truck and the legal limitations of hours of labor. As in this country the courts have been inclined to overrule anti-truck acts, the Austrian law permits the payment of wages in kind, unless there is a contract stipulating cash (though contracts to make purchases exclusively from particular stores are forbidden). Again, the Austrian law limits the employer's liability on account of accidents to cases in which positive negligence by the employer is proven. This evidently agrees with the earlier tendency of our law before the waning of the "fellow-servant" doctrine. With respect to that other standing subject of dispute between our courts and legislatures, a legal shortening of hours of labor, the Austrian law imposes so wide a limitation (eleven hours out of twenty-four in factories) that it would probably avoid the constitutional objection by which our courts have usually set aside eight-hour laws.

There are still evident occasional survivals from the "ancient régime," where, for example, it appears that entrance to the trades is not entirely free to all classes of persons.

The present volume is one part of a systematic presentation in condensed form of the whole body of Austrian law.

A. P. W.

Railway Co-operation. An Investigation of Railway Traffic Associations and a Discussion of the Degree and Form of Co-operation that should be Granted Competing Railways in the United States. By CHARLES S. LANGSTROTH and WILSON STILZ, with an introduction by MARTIN A. KNAPP, chairman of the Interstate Commerce Association. (Publications of the University of Pennsylvania, Series in Political Economy and Public Law, No. 15.) Published for the University. Philadelphia, 1899. 8vo. pp. xv + 210.

THE essays contained in this monograph were submitted in competition for a prize open to the members of the senior class of the